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Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,  
v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,  
v.  
ESTATE OF WILLIAM DIAMOND; and  
JEFFREY A. DIAMOND, in his capacity as  
Personal Representative of the Estate of William  
Diamond,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04717 (SMB)

**STIPULATION AND ORDER FOR SUBSTITUTION OF DEFENDANT**

**WHEREAS**, on December 1, 2010, Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et. seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, filed the above-captioned avoidance action against defendant William Diamond;

**WHEREAS**, William Diamond died during the pendency of this action;

**WHEREAS**, on November 30, 2015, the Estate of William Diamond and Jeffrey A. Diamond, in his capacity as Personal Representative of the Estate of William Diamond, were substituted into the action; and

**WHEREAS**, Jeffrey A. Diamond, died on November 11, 2015.

**IT IS THEREFORE MUTUALLY AGREED AND STIPULATED**, by and between the Trustee and Leslie Diamond Kaplan Hodes, as Personal Representative of the Estate of William Diamond, as follows:

1. The Estate of William Diamond and Leslie Diamond Kaplan Hodes, in her capacity as Personal Representative of the Estate of William Diamond (collectively, the “Defendants”), are hereby substituted into this action in place of William Diamond, deceased, and Jeffrey A. Diamond, deceased, and the complaint shall be deemed so amended.

2. The Clerk of the Court is hereby directed to amend the caption to remove Jeffrey A. Diamond and substitute the Estate of William Diamond and Leslie Diamond Kaplan Hodes, in her capacity as Personal Representative of the Estate of William Diamond, as reflected on Exhibit A to this Stipulation.

3. Counsel for the undersigned Defendants expressly represents that they have the authority to accept service of the Amended Complaint on behalf of Defendants, and expressly

agrees that the amendment noted in Paragraph 1 hereof shall not be considered an amendment under Federal Rule of Civil Procedure 15(a)(1)(A) or (B).

4. Except as expressly set forth herein, the parties to this Stipulation reserve all rights and defenses they may have.

5. This Stipulation may be signed by the parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: May 26, 2016

New York, New York

**BAKER & HOSTETLER LLP**

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Trustee for the Liquidation of Bernard L.  
Madoff Investment Securities LLC and the  
estate of Bernard L. Madoff*

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*Attorneys for Defendants*

SO ORDERED.  
Dated: May 26<sup>th</sup>, 2016  
New York, New York

/s/ STUART M. BERNSTEIN  
HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE